

Comments and Responses to the August 8, 2005
tentative Order No. R9-2005-0139
Waste Discharge Requirements
for
City of Escondido, Industrial Brine Collection System
Discharge to the Pacific Ocean
Via the San Elijo Ocean Outfall

The Regional Water Quality Control Board, San Diego Region (Regional Board) issued tentative Order No. R9-2005-0139 for public comment on August 8, 2005. The Palomar Energy Project, the City of Escondido, and the San Elijo Joint Powers Authority submitted comments. The Palomar Energy Project comment document was received on August 30, 2005 and was included in the mailing for the Agenda package. The City of Escondido comment document, and the comment document from the San Elijo Joint Powers Authority were received on September 7 2005 and are included in the supplemental mailing of the Agenda package. This is the Regional Board's response to those comments.

Comments received from Palomar Energy Project (PEP), dated August 29, 2005.

#	Page	Paragraph / Section	Comment	Response to comments
na	1	na	Previously believed discharge from PEP were subject to pretreatment standards. The Regional Board's tentative Order is derived from Steam Electric Power Generating Point Source Standards. The PEP is fully able to and willing to meet effluent limitations and supports revised	Comments noted. A letter from the USEPA dated June 2, 2005 and included in the agenda package as Supporting Document No. 5, confirms that the IBCS discharge is not a publicly owned treatment works (POTW) and thus PEP must comply with the federal effluent limitation guidelines (ELG), 40

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			tentative Order.	CFR 423, for Steam Electric Power Generating Point Source Category.

Comments received from City of Escondido (City), dated September 7, 2005.

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Tentative Order				
1	na	na	The maximum discharge for the Goal Line facility should be 0.080 mgd, the current maximum flow rate allowed by the City.	<p>The fact sheet identifies the maximum discharge rate from Goal Line as 0.050 mgd.</p> <p>According to 40 CFR 122.45(b) the tentative Order must include mass effluent limitations calculated using a reasonable measure of the facility's actual production or flow rate. Therefore the effluent limitations in the tentative Order use actual flow rates reported by the City or by Goal Line.</p> <p>By e-mail, Mr. Robert Mason, Facility Manager, Goal Line LP, noted that the average flow of low volume wastes is 20 gpm or 0.02880 mgd.</p> <p>The errata sheet includes typographic corrections to the flow rate for the Goal Line discharges.</p>

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Attachment E, Monitoring and Reporting Program				
4	E-11 of 12	Table 9	Can the due date for the semi-annual July-December be changed to March 1? The March 1 due date would be consistent with the Order No. R9-2005-0101, the NPDES permit for the City's wastewater treatment plant, due date of March 1?	<p>The errata sheet will change the due date for the semi-annual report as noted.</p> <p>For consistency, the due date for the Annual Report has also been changed. Starting dates have also been changed in the errata sheet to coincide with the recommended adoption date of the tentative Order.</p>

Comments received from San Elijo Joint Powers Authority (SEJPA), dated September 7, 2005.

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Tentative Order				
1	na	na	NOTICE: The SEJPA should have been notified of the public notice of the tentative Order.	<p>The SEJPA was inadvertently omitted from the distribution list for the tentative Order. The Regional Board regrets this omission.</p> <p>Please note that it is our understanding that SEJPA was aware that this item had been postponed from the June 8, 2005 Regional Board meeting and was to be brought back before the Regional Board in the</p>

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				<p>near future. The SEJPA could have contacted either the Regional Board or the City at any time during the past three months to inquire about the tentative Order.</p> <p>On or about August 31, 2005 the SEJPA did contact the Regional Board regarding the August 8, 2005 tentative Order. The SEJPA was directed to the Regional Board's web site to access a copy of the tentative Order.</p> <p>On August 8, 2005, the tentative Order was publicly noticed in the newspaper and placed on the main page of the Regional Board's web site as required by state and federal regulations.</p>
2	na	na	CEQA: Inexplicably, your finding fails to describe that EIR by project name or State Clearinghouse number. A copy of the EIR for the project was not available. Please provide a copy of the NOD and EIR you relied upon for your finding E of the Tentative Order so that we may fully review the adequacy of your finding and perhaps retract our objection.	<p>The CEQA finding in the tentative Order and fact sheet language have been amended to more accurately describe the documents relied upon by the Regional Board for CEQA purposes.</p> <p>The CEQA documents were made available to the SEJPA as requested.</p>
3	na	na	BASIN PLAN: The SEJPA will consider waiving its due process rights provided that the tentative Order is amended to require the City to segregate treated water and brine discharges if it is determined that their	The Regional Board encourages the City and SEJPA to enter into a contract (or other agreement) to allow SEJPA to obtain effluent from the City that is suitable for water recycling. It should be noted that the water to be used by the PEP will be

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			commingling causes the water to be unacceptable for reclamation purposes.	<p>recycled water that has been treated to Title 22 tertiary levels at the City's Hale Avenue Treatment Plant. The Regional Board would certainly encourage any further reuse of this water to the extent possible. The Regional Board, however, is not obligated to require a discharger to produce an effluent that is better quality than required by their permit simply because another entity wants to reuse that effluent.</p> <p>By adopting the tentative Order, this Regional Board would regulate the discharge of industrial brine from the IBCS to the Pacific Ocean as requested in the report of waste discharge. The tentative Order complies with all applicable water quality laws and regulations for a discharge to the ocean.</p> <p>The SEJPA did not provide any data or analysis to justify their claim that the water quality in the discharge is or may be unacceptable for recycling at its facility.</p> <p>In January 2003, the SEJPA requested authorization from the Regional Board to use secondary effluent from the City's discharge because it is of higher quality for use as recycled water. The Regional Board did not object to the use of the secondary effluent for recycling at the</p>

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				<p>SEJPA but did not make the use a requirement for either the City or SEJPA. (A copy of the Regional Board's letter, dated October 20, 2003 is attached.)</p> <p>The SEJPA may use other engineering or administrative measures to recycle the secondary effluent and brine discharges from the City. Some examples could include further treatment using reverse osmosis by either the City or SEJPA, or separation of the City's treatment plant effluent from the brine line.</p> <p>We are hopeful that the SEJPA and the City can reach an agreement where each party is satisfied, but no changes are proposed to the tentative Order by the Regional Board.</p>